

Conflict of Civil and Military Authority in North Carolina.

We learn that no official communication has yet been received, directly or indirectly, from General Sickles in reference to the conduct of his subaltern at Wilmington, in interposing a copy of Order No. 10 against the execution of a judgment rendered by the Circuit Court of the United States. We hope it is not hence to be concluded that he maintains his deputy, although such license is ominous of fresh troubles in that quarter. The public press generally, Radical and Conservative, have expressed the conviction that he will be ordered the execution of the writ to be unconditionally removed. We await his august decision with curiosity, not unmixed with grave forebodings.—*National Intelligencer.*

Our respected cotemporary is informed, as we have previously announced, that Col. FRANK, Commanding this Post, in interposing military force against the execution of a judgment of the Circuit Court of the United States, acted directly under orders from District Headquarters.

We are a little astonished that this conflict of authority should create any surprise at the North. It was no secret in this State at least, and found its way into the papers, that during the simultaneous visits of General Sickles and Chief Justice Chase to Raleigh, this question was mooted and the former announced that his order applied as well to process issued from the Federal as from the State Courts. And we cannot see that Judge CHASE has the least cause for complaint. It is well known that he permitted ex-President DAVIS to linger for two years in jail, refusing to hold Court in Virginia on account of the presence merely of the military in that State. At the first term of the Circuit Court for North Carolina, when the superiority of the military to the civil power was a palpable fact, he presides, and the whole country is astonished that the military pay no respect to his mandates.

If the Reconstruction acts of Congress justify General SICKLES in the issuance of the order in the first place, and this Congress has endorsed, it certainly justifies him and Colonel FRANK in using the whole force at their command in maintaining the authority of the order. The people of the South have come fully to realize and appreciate the fact that the military is the supreme authority in the Southern States. Our Northern friends who only see the theory as contained in the acts of Congress, show a little restive spirit, as its rather harsh exercise here militates against their interest. It may prove somewhat incomprehensible that an execution, coming from the highest judicial authority known to the Constitution of the United States, should not command the respect and obedience of a Post Commander in one of the Southern districts—but to this "complexion have we come."

We look upon this action from a different standpoint from our Northern friends. While they seem inclined to upbraid General SICKLES for his reckless temerity in thus trifling with such august authority, we think that he acts with consistent and equitable firmness in paying the same respect—not more—to the process issued under the sign manual of the Chief Justice of the United States as he does to that coming from the Magistrate of a county in any portion of his district. While the Judge may not, indeed, be under his authority, the citizen whose rights and property are sought to be affected, is. We must admit, if we look to the Constitution of the country, we see no authority for his action in either case, but if we regard the acts of Congress, the present law of the land, we find ample justification for both, and we have respect for the officer who exercises power, be it inconsistent with the Constitution, with a firm and impartial hand.

A New Arrangement.

The Raleigh Progress of a late date speaks of a new arrangement between the North Carolina, Wilmington and Weldon, and Seaboard roads, upon which it remarks:

Unless we are greatly mistaken, Wilmington and Newbern will receive peculiar benefit from the combination, subtracting or diverting much trade from Norfolk.

The Wilmington Post congratulates itself on the state of affairs referred to, and says that the arrangement is one by which the Raleigh and Seaboard roads will be benefited and our people will soon behold some of the substantial results of the new arrangement.

We have no means of information as to the precise nature of the discrimination imposed by the new combination, but regret that the rivalry between Norfolk and her sister cities should develop itself in what is called the "diplomatic arrangement" of Colonel Fremont.

Discriminations are all in the nature of protection, and while they may benefit corporations, even communities, their effects are necessarily pernicious.—*Norfolk Virginian.*

We regret that the Raleigh Progress and our cotemporary, the Post, should have fallen into an error which can in no way benefit Wilmington or New Bern, and may tend to injure the creditable efforts of the officials of the Wilmington and Weldon Railroad to increase the business of their Company.

We can assure our Norfolk cotemporary that the "new arrangement" can in no possible way injure Norfolk or benefit Wilmington. It consists only in the route by which freight to and from Middle and Western North Carolina, for or from the North shall be transported. Heretofore it has gone by the Raleigh and Gaston Railroad—not passing over the forty-eight miles of the North Carolina Railroad between Raleigh and Goldsboro'. An arrangement has now been made by the North Carolina and the Wilmington and Weldon Railroads, by which this freight shall go by way of Goldsboro'. That is, the freight passing between Charlotte, or any point on the North Carolina Railroad to Norfolk, or vice versa, shall pass over the whole length of the Road to Goldsboro', and to and from Weldon by the Wilmington and Weldon Railroad.

The two roads which have made this arrangement, without detriment to the shipper, or any interference with any of the old channels of trade, except the Raleigh and Gaston Railroad, are corporations in which the State has a very large interest, and it was for their mutual advantage, and for the benefit of North Carolina that it was entered into. It can possibly be of little interest, either to Norfolk or Petersburg, whether the freight which seeks those cities come by Goldsboro' or by the Raleigh and Gaston Railroad. It does affect

the State very much, however, and therefore the "new arrangement" indirectly benefits every citizen of North Carolina.

Wilmington, Charlotte and Rutherford Railroad.

We have noticed the communication of "E." in the Wilmington Journal, in relation to a connection between our road and the W. N. C. Railroad at Hickory Tavern, thus killing our road from Lincoln to Rutherford. We are glad the discussion has been sprung, as we desire to show to our people and the State whose money has been employed to build this road, the principles of the charter, and the apparent fact, somewhere, both as to our road and the Western Extension. As the Legislature will in all probability soon meet, we hope this subject will receive the attention it deserves by that body.

We will pay our respects more fully to this subject in our next.

Rutherford Star, Aug. 3d.

The communication above referred to was written by one of the Editors of this paper, and published as "Editorial Correspondence." While we will be prepared to accept the Star's respects with which he offers to pay us in his next issue, we will state that the letter was written from Catawba county, without consultation with any officer or stockholder of the Company, and certainly without the knowledge of either, and we do not know that a single one of them favors it. We have never supposed, for one moment, that the road would not go to Rutherford, in fact, it must go there; but the Star may rest assured that its virtuous indignation will not prevent a connection with the Western North Carolina Railroad, at or near Hickory Tavern. The public interest and the welfare of the road will demand it.

Confession and its Advocates.

At a "Union" meeting held in Forsythe county, among other resolutions passed were the following:

"Be it further resolved, That the Union men who suffered under the rebellion, both in person and property, ought to be indemnified out of the property of those persons who brought on the war and prosecuted it to its termination, and the common school funds destroyed by the rebellion restored in like manner, and the national debt paid, and the freedmen protected; therefore, we pray that the Congress will pass the Confession bill recently introduced by Hon. J. Stevens, in the United States House of Representatives, providing for the confiscation of the property of certain Rebels."

The Secretary, in the minutes of the meeting, thus speaks of one of the speeches: "He was followed by D. H. Starbuck, Esq., whose speech was frequently interrupted by loud applause. Mr. Starbuck never failed to speak 'home thrusts' when he speaks of the rebellion."

This is the same man, he is remembered, who voted in the Secession Convention of this State for men and money to carry on the "Rebellion" and afterward, for a small salary, took the test-oath as United States Attorney for this State. The Grand Jury presented him for perjury, but Chief Justice CHASE, in the goodness of his heart, on account of a "special dispensation" from Attorney General SPEED, and in compliance to a little white-washing by B. F. MOORE, Esq., did not submit the case before a jury. If the loyal Mr. Starbuck gives the dead rebellion "home thrusts" now, the soldiers he placed in the field and the money he provided for their support came very near converting a despised rebellion into a patriotic Revolution.

The New Arrangement.

"There is another view, however, by which Norfolk is made to suffer by this new arrangement, and that is, in the Raleigh and Gaston road, in whose prosperity as such she is somewhat largely interested, to the amount of \$70,000. Such are the facts and inferences which the new combination develops according to our standpoint."

At Norfolk and Portsmouth expect from the Seaboard road is that the road be worked to its fullest capacity, and this we presume it is doing, and interfering with the Raleigh and Gaston railroad, and many of our citizens like-wise own stock in the road, it behooves our merchants and business men in making their shipments, to see that all freight is marked "via R. & G. R. R." The rate for freight by both routes is the same.—*Norfolk Journal.*

The above are the closing paragraphs of a long comment upon the unfortunate error into which two of our State papers inadvertently fell in regard to the new freight arrangement. We are glad that the Norfolk Journal viewed this matter in its proper light, as not interfering with the business of that city, but merely as to the route freight should take, to and from this State, to that port.

In view of the fact that the City of Norfolk owns seventy thousand dollars of stock in the Raleigh and Gaston Railroad, it is very proper for the papers of that place to advise its merchants and business men in making their shipments to send them "via RALEIGH AND GASTON RAILROAD," but in view of the fact that the State of North Carolina owns a very large amount of stock in both the North Carolina and the Wilmington and Weldon Railroads, and thus every citizen thereof is directly interested, probably it is well for them, as purchasers, to order their goods shipped by the State route. We would regard the merchants and business men of Norfolk as contumacious, indeed, if they refused to send goods, as advised, because it was for the benefit of the purchaser, even though a different route was beneficial to themselves. Such a course would much more likely cause them to lose future orders than to add much to the prosperity of the Raleigh and Gaston Railroad.

Let us counsel the merchants and business men of Norfolk to attend to their legitimate business and not heed the advice of those who would have them act in conflict with the interests of their patrons.

A Black Chapter.

In the many dark chapters the revolutionary history of our government has furnished, the blackest finds record in the startling "confessions of Conover," which we publish this morning. While we would receive with much doubt anything coming from this man, Dunham or Conover, the leading Radicals who he implicates in his crimes cannot complain if the story carries conviction with it, as they fully endorse him in their application for his pardon.

But unfortunately for Ashley, Holt, Butler and other partners in guilt, Conover does not ask confidence in his unconfessed statements, but submits papers and letters from the impeachers which will rise up in judgment against the conspirators. Having procured the services of so debased a man as Conover or Dunham, as he is now called (for none others could be found so capable to accomplish the iniquitous work), it will hardly do for these men to turn upon their accomplice and betrayer as unworthy of belief.

This confession begins the opening chapter of the darkest record connected with our government. The National Intelligencer says more is coming, and we look to see the guilt of our honorable Congressmen implicated in this terrible conspiracy. We hope its length will deter none from reading the record. We have been made the victims of party malice, and our section is about to be transferred to the ignorant blacks and their white accomplices and teachers. This chapter presents a vivid picture of the means used for our debasement. God will surely frown upon such wickedness.

Registration in Virginia.—Prospects in other States.

We are glad to see, as the lists of registered voters from the various counties come in, that the old Commonwealth presents a large majority of whites. In a published statement embracing forty-five counties and an aggregate of nearly thirty-four thousand votes, the white majority is nearly nineteen thousand. Included in the list are the cities of Richmond, Petersburg, Norfolk, Alexandria, Lynchburg, &c., all of which give large negro majorities.

Of the forty-five counties, thirty-one give white majorities, and it is thought that in the remainder, not only the proportionate majorities will be maintained, but that an equal majority of the other counties will go for the whites. This will, without doubt, secure the State to the Conservative whites, and Virginia, with her proud history and noble associations, will be saved from negro domination.

The lesson taught by the example of the Old Dominion should not be lost upon us. Since the lopping off of West Virginia, the proportion of whites here is as great as in that State. If we will register thirty or forty thousand white majority in North Carolina, the defeat of black and white Radicals will be an easy matter. This can and ought to be done, and when we look at the fate of Tennessee it is enough of itself to urge us to action. To avoid lawlessness and profligacy which renders life, property and the privilege of a free-man the play-things of a cruel and desperate tyrant and his ignorant and besotted minions, should be the object of the earnest and manly desire of all good citizens. A united effort will save us from this ignominy and danger, and certainly the prize is worth the trial.

We have always thought that Virginia, North Carolina, Georgia and Texas, at least, would be saved from the control of the negroes, unless the latter is given to them by the partisanship of General SIMMS and his willing subordinates. Under the liberal and just administration of General OAB, Arkansas may also be saved. We hope no efforts, consistent with law and good order, will be spared to accomplish so desirable an end. If in these States, acting in compliance with the laws of Congress, the native whites can maintain the ascendancy, we may have peace, prosperity and an early return of all branches of business and industry to their old and legitimate channels. To do this, all not disfranchised must register.

Case of Indiana, Clerk, and THEN I WILL ENJOY THE PROPOSED DISFRANCHISEMENT IN THE TERRITORIES AND POST NOT IN ADVANCE. WRITE ONE LETTER FOR ME, AND THE OTHER TO SHOW.

Damn your business in the Williams county court. Write and telegraph. Truly,

J. M. ASHLEY.

WASHINGTON CITY, March 19, 1867.

MY DEAR CASE:—Your letter is in better shape today. The President promised me that this position should not be made until next week, and said I should have a fair hearing. I shall for a while, however, if I do not get your written authority to guarantee that all your subordinate appointments shall be secured to persons who helped me through this matter, and that you will fully authorize me to pledge you to perform the promises I have made, that the survivors and sub-contractors to be employed by you are to be at the point of departure of two other persons and myself. Please call, and send me at once the enclosed for that purpose.

Now, one word as to ourselves. It is agreed that my brother Eli is to be Chief Clerk, and my brother William, who is now in Colorado, shall have such a position as he can fill, he having always been a farmer. The surveying contracts, &c., we will fix after the appointment by meeting at 20-10-11. Now, if I get this, I intend to be a full partner with you in the purchase of all the real estate that you may make in that Territory. I have spent a good deal of time and money to get this place, and if I do get it I hope you will cheerfully give me. I have done up the enclosed correspondence, and I wish you would sign and keep, and copy one just like it, and forward, and return the other agreement.

Write me by return mail, and hurry along any letters and telegrams from men who can influence here.

In haste, yours truly,

J. M. ASHLEY.

The Duty of the People.

We trust that our people are satisfied that it is their duty to register their names as voters. We have attempted very often in these columns to urge upon them the importance and necessity of this course. The question which was of the future is now to be decided. Registration actually begins to-day, and the Conservative whites who are not disfranchised have a great responsibility resting upon them.

Under the instructions issued by General SICKLES little or nothing is left to doubt, and none who are entitled to register should fail to do so, either from a vague fear that some covert danger is imminent, or that in thus complying with the terms of reconstruction they thereby endorse them. We publish a few plain, and we believe correct, rules as to who can and who cannot register. They are in accordance with the acts of Congress and the orders of Gen. SICKLES, and we think will commend themselves to the impartial judgment of honest Registrars.

The fate of North Carolina is to be decided by this registration, for the registration decides the approaching elections. The old State is either to be under the control of those of her citizens who have not been placed under the ban of the law, or to pass under the sway of the ignorant masses of enfranchised blacks, and such whites who hope to ride into power by their support—men, for the most part, who have been thrown upon the surface by the storm, and who have merged from their former oblivion by means of the chaotic and demoralized condition of the country.

The question at issue is between intelligence and ignorance, property and poverty, forthright and improvidence; whether former slaves are to govern their old masters, and the laws of nature to be reversed in having a superior race governed by an inferior; whether we are to have taxes levied by one class and paid by another. As unpardonable as is our present military government, as humiliating as may be the efforts to better our condition, there are depths which can and must be avoided, which are infinitely worse. The white people of the State have it in their power to avert the threatening dangers, but if they delay action now, regrets in the future will come too late. Let every one consider the importance of his individual action and the weight of his example. Disregard local minorities, for any attempt to fasten a discriminating Constitution upon North Carolina and thereby secure class legislation, must come before the registered voters of the whole State, and receive a majority of them. In the Middle and Western portions of the State the whites are very largely in the majority, and will swallow up any local majorities the blacks and their white allies may have in the East. And, besides, many of the more intelligent and considerate blacks will vote with those among whom they have been raised and whose honesty and judgment have been tested by years of association.

Let our people, therefore, address themselves to the work of registration. If North Carolina is permitted to pass into the hands of those who now aspire to govern here, the folly of present indifference will find response in future suffering and ruin. By prompt and united action now, no mark of the wicked legislation of the present will leave its blackened trace upon the laws and Constitution of our State.

Who Can Register?

All males twenty-one years of age, who have resided in this State one year, and who have not been convicted of felony, or who, previous to the war, did not hold any State or Federal office, are entitled to register and vote, whether or not they engaged in the war or gave aid and comfort to the South. If they held office, and did not afterward engage in the war, or aid the South, they are entitled to register and vote.

Those who at any time before the war held any civil office "created by law for the administration of any general law of a State, or for the administration of justice," or "taken on oath as an officer of the United States," and afterward engaged in the war or gave aid to the South, cannot register or vote. This does not include those who held military offices—militia officers, therefore, are not embraced among the disfranchised.

It must be recollected that "engaged in the rebellion, or giving aid and comfort to the enemies of the United States," does not of itself disfranchise any one. This must have been preceded by the holding of a State or Federal office previous to the war.

"Confessions of Conover."

The developments of the conspiracy against the President of the United States, are growing daily. The National Intelligencer says that the testimony already accumulated is fearful. The parties implicated may seek in vain to hide their heads

WASHINGTON, D. C., March 12, 1867.

MY DEAR CASE:—Everything is going on as usual here. I have not yet received your letter, and have not yet been able to obtain it. Let the writers send me instead of you.

If I get the bill, I will be the first of such importance here as the candidate has done nothing. I have promised all the subordinate places under you to get help, and you must write me at once, authorizing me fully, under your hand to make this good. I ask for three of the places myself, and give the rest to other members who are helping me.

This is considered the best appointment in all the Territories, and is the best of all the Territorial appointments. I want to have an interest with you. If I get the place in the "OWN LOCAL TERRITORY," the Pacific Railroad will go through this Territory, and it will be a fortune to me. I can get it. There are some fifty more applications for it, as has been promised to help me.

Write immediately—make the full plain and unequivocal as to the appointments I have promised so I can show it, and on a separate piece of paper say what you think of my proposition for city and town lots.

I will probably be chairman of Committee on Territories, if you can carry out your proposition, and send from Spokane, and your brother Charles

Case of Indiana, Clerk, and THEN I WILL ENJOY THE PROPOSED DISFRANCHISEMENT IN THE TERRITORIES AND POST NOT IN ADVANCE. WRITE ONE LETTER FOR ME, AND THE OTHER TO SHOW.

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behind the epithets of partisan newspapers, but this will avail them nothing. Each one of the subordinates is trying to save himself by an early confession.

The following confidential letter, addressed to the Chief of the Bureau of Military Justice, the trusted and valued friend of the immaculate Stanton, shows that he, too, is deeply and irrevocably implicated in this conspiracy with his old associate and manager of testimony—Conover alias Dunham. The original of this letter, in the hand-writing of the Reverend Mr. Matchett, is in the possession of officers of the government and will be produced when necessary. This man Matchett is understood to be the Clerk of the Assassination Committee. The letter is as follows:

WASHINGTON, August 2, 1867.

"Dear Sir:—I received the 'copy' safe, for which I am obliged. The case stands as yet untouched, waiting, I judge, for the termination of the trial now going on. Mrs. D. still is waiting, and the letters and documents to be retained by us, and letters gotten for us in either case. She turned me yesterday, and seemed quite cheerful with prospects of the case, as your letter and Mr. Riddle's has given her great confidence. That you are not the person you have been represented, and that if she should fail finally in getting him out, at least under a charge of office."

"I am trying, as ordered by Judge C., to get the letters. I think we shall at length succeed. I think Mrs. D. begins to show symptoms of 'real' reason, and that her husband was guilty of a great crime, and ought justly to suffer a little. Your endorsement seems to have settled the case, and she is now waiting for the trial. I am sure you will do all you can and all you ought to do. She is satisfied perfectly. I think they both feel that there is no danger now, and in the law yet, and that it is dangerous work to treat it with contempt. I believe it will be all for the best that he has gone. I am sure you know not how long. I say, if you will bring me the letters."

"I will inform you of any movements the most momentary. I am very truly,

"W. B. MATCHETT."

Address: "Hon. Judge Holt, Judge Advocate General, present." Marked "personal."

Civil vs. Military Authority.

It will be seen that the President, through General GRANT, Acting Secretary of War, has informed General SICKLES that no order of his will be permitted to interfere with a process issued by the Federal Court.

This, we suppose, will end the conflict of authority, with the first submission of the military to the civil power of the Government. We say end the conflict, as it is one thing to suspend the laws of the Legislature of North Carolina, and pay no regard to the process of her Courts, and quite another to disobey the orders of the Constitutional Commander-in-Chief coming through the actual Commander-in-Chief.

We have said that we regarded the position assumed by Colonel FRANK as consistent with the orders of his commanding officer, and the order itself was in accordance with the powers claimed and conceded by Congress to the District Commanders. It is the only order of General SICKLES which was advantageous to our people, and as usual, in the various conflicts of authority between the President and Congress, or between him and the Military Commanders, the people of the Southern States are the sufferers. If the order of Gen. SICKLES is thus made partially nugatory, it is to be hoped he will withdraw it altogether.

Judge Meares.

As we supposed, General SICKLES has in effect endorsed the action of Judge MEARES in regard to juries. His action has been in favorable contrast with that of Judges at other points in this State, who placed negroes upon juries who had not paid taxes for the current year, being clearly at variance with their duty and not consistent with the order.

Judge MEARES has preserved the dignity of his position, acted consistent with his oath of office, and it now appears in accordance with what General SICKLES regards as right and proper, and has not only the approval of all good citizens, but what is better, that of his own conscience.

Brownlowism.

We see that A. D. McNAIR, a lawyer of Nashville, and who during the war was a captain in the Confederate army, has been arrested a day or two since, on an indictment found by the Grand Jury of Hickman county. The alleged offence is that Captain McNAIR captured some thirty-five or forty mules destined for the Federal army, from a man named Ledbetter, while his regiment was on duty in Tennessee.

McNAIR was released on giving bond in the sum of \$2,500 for his appearance. This is a striking evidence of the realities of Tennessee reconstruction.

Shipwreck.

We learn from a gentleman who arrived here Tuesday evening, from Beaufort-Carteret county, that a brig went ashore on Cape Lookout Shoals, a few days ago, and the Captain and a portion of the crew landed safely; three persons still remained on board, but the pilots endeavored to get off, but their efforts were unsuccessful on account of a very heavy sea. The mate died before the brig struck the shore.

For the Journal.

A friend writes us as follows:

ROCKINGHAM, N. C., Aug. 8, 1867.

The late rains in this section have improved the crops very much, and a friend told me a few days ago, that his cotton crop was the best he had had in ten years. Corn has also improved very much, yet the crop is small.

For the Journal.

Meeting in Robeson County—Come and Help Save the Country.

ROBESON COUNTY, N. C., Aug. 12.

Messrs. Editors: As the time for cherishing party strife has passed away, and the time for electing members to a Convention to frame a Constitution for the people is near at hand, and in order that the people may act in harmony and union, it is suggested that the citizens of Robeson county meet at the Court House in Lumberton, on Monday of August Court, at 1 o'clock, to take steps in aiding and assisting our good old State to get back to her proper station in the Union.

As party strife has brought us to the verge of ruin, we entreat the good people of all parties to nurse party no longer, but unite in one heart and one mind, who have but one interest to advance, that of peace, civil law and prosperity for all.

Meet as brethren on the altar of your country to save your State from further strife and ruin.

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From the Raleigh Sentinel, Aug. 9.

THE MILITARY COMMISSION.

United States vs. Tolar, Powers & Watkins.

THURSDAY, Aug. 8, 1867.

Simon Beeson (negro) sworn: Live near Fayetteville on a farm. Went to town the day Beeson was killed. Was standing on the East side of the market house, when Beeson was brought from the guard house. Have been living near Fayetteville about twelve or fifteen years. While Beeson was on stairs, there was a carriage standing in front of the market house, behind me and not far off. There was a big crowd early in the morning, when I first went there; saw Capt. Tolar at the market house there, soon after sun rise, before the bell for 7 o'clock. While Beeson was on stairs, saw Tom Powers had a pistol in his belt. Saw Miss Massie and another come down stairs and go to the carriage; saw Mr. Bond and talk with them; also Mr. Maltby; think Mr. Tom Powers also went up; did not hear any of the conversation. Mr. Maltby went back to the crowd in front of the market house, and then the carriage drove off.

Tom Powers was at the market house, when witness first got there; think Tolar came there soon after; saw him also, while Beeson was on stairs. Saw Archy come down stairs; Mr. Wemiss was on his right hand. After Beeson had got down on the ground, persons cried out "shoot him!" "shoot him!" and saw some weapons at the time, but just as soon as he got out of the big arch about two steps, he was shot by Capt. Tolar. Can't say whether Tolar was on the pavement or not; he was near the edge of it and about two steps from Beeson. While Beeson was coming out of the market house, Tolar was standing on the pavement outside near the edge, and at the time he shot, he drew his pistol from under his shawl or coat, on his left side, presented it, fired, and then immediately turned around and walked off. John Armstrong was near Tolar after firing, went around the North side of the market house and witness saw him no more. Saw "Monk" with a knife in his hand, cursing Beeson after he was shot. Heard John Armstrong, Jim Douglas and McNeil say, immediately after the firing, that Tolar did it.

Beeson: Have belonged to Jake Beeton.

(Here permission was asked by the counsel of prisoners to hold a private consultation, which was given. They then declined to cross-examine.)

Patrick Cross (negro) sworn:—Live in Fayetteville; knew Beeson and was at the market house when he was killed. Saw him carried up stairs by officers; stood down below and saw the ladies come down and go to the carriage. Saw several persons go up to the carriage and speak to them. Saw "Monk" in the crowd, while Beeson was up stairs; also saw Phillips and James Atkinson. Saw Beeson come down. After he got down on the floor the whole crowd rushed at him, and there were cries of "he is our prisoner," and "he is my prisoner;" also, "kill him," "kill him!" then, afterwards, frequent cries of "shoot him!" and "shoot him!" and saw Phillips with a pistol and watched him. Somebody else fired a pistol; it was not Sam Phillips that fired; witness did not see who fired it, but several persons immediately said that "Captain Tolar did it," and he was pointed out leaving the crowd. The rush upon Beeson, up to the time he was killed, was incessant. Witness thinks that the officers tried to do their duty in keeping the crowd off.

Cross-examination: Was subpoenaed to come up here last Saturday. Keep a shop in Fayetteville; Sam Phillips was one of the witnesses frequently passed by Phillips store; have known him for some time; never have talked with him about the matter. Don't know the name of a single man who was with Beeson, when he was brought down; did not notice them particularly. It was a general rush, and witness did not know who fired the pistol, and did not know the names of any persons in it. Witness was looking at Beeson; saw him jump up two or three times; saw Phillips come up with a pistol in his hand before Beeson got down stairs; he was holding it in his right hand; it was between six and eight inches long. Witness was about four or five feet from Beeson, when shot; saw him fall just before he was shot. Sam Phillips was the only man whose name I recollect, as being there at that time; saw him have the pistol at that time. Immediately after the shooting Phillips had a pistol in his hand, and he was killed now, but you can see that I did not do it, for my pistol is loaded. Witness saw the smoke of the pistol; it was about and near where Beeson stood. When someone remarked that "Tolar did it," witness cannot say where Tolar was.

Re-direct: Witness saw that Phillips was at the instant the pistol fired and knows positively that it was not his pistol that fired; he had it down by his side, and immediately afterwards he disclaimed having shot Beeson and offered his pistol for examination. In the rush that was made after the shooting, witness did not know who fired the crowd, but tried to see what he could. Have never had any talk with Phillips about what I was going to swear; am not very intimate with him.

Court adjourned to this (Friday) morning, 11 o'clock A. M.

John Shaw (negro) sworn: Have been living in Fayetteville ten years; was at the market house the day Beeson was killed. Saw him brought from the guard house by Wemiss and other officers, and carried up stairs over the market house; he stood up there about three-quarters of an hour. The crowd was mostly made up of whites; witness saw "Monk," Tom Powers and John Maltby; there; noticed nothing peculiar about their manner; saw the ladies come down; saw Archy come down. Saw nothing until he got out on the pavement, but heard the expression "shoot him," "shoot him," and saw him after he was on the pavement, but was kept off by Wemiss. Saw Tolar standing at the north part of the arch; saw him move up a few steps, shove some person away with his left hand, draw a pistol and shoot Beeson; saw the pistol—it was a large pistol, about eight inches long; saw him hold it in his right hand, and he was killed now, but you can see that I did not do it, for my pistol is loaded. Witness saw the smoke of the pistol; it was about and near where Beeson stood. When someone remarked that "Tolar did it," witness cannot say where Tolar was.

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